

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-35650 of 2015

Date of Order: 05.11.2015

Amandeep Singh Jassar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. M.S. Jandiala, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J . (Oral)

Petitioner seeks bail pending trial in FIR No.194 dated 11.12.2014 under Sections 452,354,506,34 IPC (Section 376 IPC added later on) registered at P.S Chamkaur Sahib, District Rupnagar.

Learned counsel for the petitioner refers to different orders passed by this Court at Annexures P.3 and P.4 respectively whereby the co-accused of the petitioner were granted the concession of anticipatory bail by this Court. He further submits that since the prosecution evidence is yet to start, conclusion of trial will take time. He also submits that there is no medical evidence available in support of the alleged offence under Section 376 IPC, which came to be added later on. He prays for allowing the present petition.

The abovesaid statement made by learned counsel for the petitioner could not be controverted by learned counsel for the State and rightly so, it being a matter of record. Further, since the prosecution evidence is yet to start, conclusion of trial will take time. It is also matter of record that the prosecutrix was a married woman and there is no medical

evidence available in support of the offence under Section 376 IPC. In such a situation, it shall be a debatable issue before the learned trial Court as to whether any offence under Section 376 IPC, as a matter of fact, was committed by the petitioner or not.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

November 05, 2015
manoj

(RAMESHWAR SINGH MALIK)
JUDGE